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Christopher C. Winslade
McAndrews, Held & Malloy, Ltd
34th Floor
500 W. Madison St.
Chicago, IL 60661

EXAMINER	
MOORE, IAN N	

ART UNIT	PAPER NUMBER
2463	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/701,865	KUBLER ET AL.	
	Examiner	Art Unit	
	IAN N. MOORE	2463	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 December 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-81* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/2/2009 has been entered.

Response to Arguments

2. Applicant's arguments, see pages 34-35, filed 12/2/09, with respect to claims 60-73 and 81 have been fully considered and are persuasive. The rejections of claims 60-73 and 81 have been withdrawn.

3. Applicant's arguments with respect to claims 22-59 and 74-80 have been considered but are moot in view of the new ground(s) of rejection.

Examiner respectfully point out the arguments regarding claims 22, 28, 29, 36 and 47 under 35 U.S.C. 103(a) over Berken and Richter (in pages 22-28, 33 are merely a copy of the previous arguments which examiner has clearly responded. <u>This same error appeared in the prior remarks</u> (submitted date 4/14/2009) on prior office action (mail. 10/14/2008).

All the responses from the previous action to applicant's arguments on the same issue are hereby incorporated.

Regarding claims 22-59 and 74-80, the applicant argued that, "…Microsoft Dictionary, having a copyright date of 1991, uses the same definition that defines a packet as "a unit of information transmitted as a whole from one device to another on a network"...Applicant respectfully submit that Microsoft corporation, a recognized authority in the relevant art, has continued to published the above definition of the term "packet" since 1991, four years before Applicant's claimed priority date" on page 23-24.

In response to applicant's argument, applicant admission of the definition of "packet" as "a unit of information transmitted as a whole from one device to another on a network" since 1991, four years before Applicant's claimed priority date is acknowledged. Thus, Micorsoft dictionary with the date 1991 is now eligible as prior art. Since term "packet" and its definition so well known in the art, by only disclosing the term "packet", one skilled in the ordinary would clearly know the definition as "a unit of information transmitted as a whole from one device to another on a network" as admitted by the applicant.

Regarding claims 22-59 and 74-80, the applicant argued that, "…the terms "frame" and "packet" have identical functionalities…in spite of numerous request, the office has not shown any support from any authority, including the cited references, for this conclusory statement...Therefore, Applicant conclude that the office agrees with applicant with applicant's understanding of the operation of Berken as set forth in the present and priority responses…" on page 24.

In response to applicant's argument, t**he examiner respectfully disagrees** with the argument.

Examiner has repeated responded to applicant argument regarding "frame" and "packet" since 2006 in view of cited reference. Applicant totally ignoring those response and alleges that office agree with the applicant is clearly an error.

Again, examiner maintains to assert that the terms "frame" and "packet" have identical functionalities in view of Berken. Richter clearly discloses the use of "packet", and the rejection is based on combination of Berken and Richter. Thus, Berken discloses the "frame" which has a functionality of the packet, and Richter clearly discloses the use of packet. Thus, when considering the system as a whole the applicant "packet" is clearly disclosed by the combined system of Berken and Richter. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Now, as clearly admitted by the applicant that the definition of a packet is well known prior art in view of MS dictionary. Thanks to the applicant, examiner does not even need to provide any support from any authority since Richter's packet is "a unit of information transmitted as a whole from one device to another on a network" according to definition provided by the applicant as prior art. Thus, the combined system of Berken and Richter clearly disclosed the packet, which is a unit of information transmitted as a whole from one device to another on a network.

At one instance, applicant repeatedly arguing that Berken reference does not teach "packet" and its equivalent definition of "*a unit of information transmitted as whole from one device to another on a network",* yet at another instance the applicant's specification does <u>not</u>

even explain or recite these limitations. Applicant expects the examiner to show the definition of the "packet" in Berken, where such definition is not even recited in the applicant specification. Thus, examiner maintains the assertion of Berken's frame as applicant voice packet.

Examiner hereby incorporates the responses on "frame" vs. "packet" issue from all previous actions and will not be repeated.

Regarding claims 22-59 and 74-80, the applicant argued that, "…Richter to remedy the failure of Berken to teach of "destination"…combination of Berken and Richter is improper and without the required motivation…" on page 27-28.

In response to applicant's argument, t**he examiner respectfully disagrees** with the argument above.

Regarding "**destination**", examiner has clearly point out and responded to applicant arguments by stating the combined system of Berken and Richter clearly disclose the missing limitation "destination", and such rejection is repeated below. Thus, the response regarding "destination" from all previous action are hereby incorporated.

In response to applicant's argument that it is not obvious, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, examiner is using the well known teaching of Richter to provide Berken, not bodily incorporation Richter's system into Berken as erroneously argued by the applicant.

In response to applicant's argument, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In response to applicant's argument, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "*a packet is a unit of information transmitted as a whole from one device to another over the network*", "*destination*", "*having at least one entry comprising user defined call routing information and at least one associated destination address*", "*for use in voice call routing to cause delivery of voice to a called party*", and "*according to a destination address of the called party and the database*, as taught by Richter and well established teaching in art in the system of Berken, so that it would provide capability to the caller and callee to hear each other; see Richter col. 7, line 10-19, and it would also identify and locate the recipient of the voice data packet.

Regarding claims 22-59 and 74-80, the applicant argued that, "…the proposed combination fails to teach, suggest or discloses… "*comparing a destination address to a database having at least one entry comprising user defined call routing information and at least*

one associated destination address the database for use in voice call routing to cause delivery of voice to a called party by a user selected one of a packet-based network or circuit switch network according to a destination address of the called party and the database" in pages 29-33, 36-40.

In response to applicant's argument, t**he examiner respectfully disagrees** with the argument above since the combined of references discloses the claimed invention as detailed below.

Regarding first rejection, Berken discloses a database (see FIG. 1C, memory 217; see page 6, line 5-9; see page 7, line 15-19), and the use in voice call routing to cause delivery of voice to a called party (see FIG. 5, 6, using control information for routing voice call to the called system; see page 9, line 1-10; see page 10, line 17-30) by a user selected one of a circuit switched network and a packet-based network (see FIG. 1A, 6, by a wireless system's request to select either circuit switch path for voice call to PSTN 151 (i.e. circuit switched network) or a packet switch path to Ethernet LAN (i.e. packet switch network)) according to a information (see FIG. 5, 6, according to a request; see page 10, lines 25 to col. 11, lines 5; see page 9, lines 15-25).

A definition of a packet, which is a unit of information transmitted as a whole from one device to another over the network is well known in the art per prior art Microsoft computer dictionary (published since 1990 four years before applicant's invention as admitted by applicant as prior art, see remark page 24, submitted 12/2/09), and voice packet comprising destination information for routing is so well known in the art so that it would identify and locate the recipient of the voice data packet. In particular, Richter teaches a packet protocol wherein a

packet is a unit of information transmitted as a whole from one device to another over the network (see FIG. 6, data packet protocol with a data packet 52, note that according to applicant admitted Microsoft 1992 published dictionary, a packet, is a unit of information transmitted as a whole from one device to another over the network; see col. 6, line 60 to col. 7, line 20); wherein the digital voice data packets comprise destination information used for routing (see FIG. 6, destination address 76, max destination count 74, active destination count 72, and destination count that used for routing; see col. 6, line 60 to col. 7, line 20) the digital voice packets through the communication network (see FIG. 5, for routing voice packets over the network between two callers; see col. 5, line 36-66; col. 6, line 44-56); comparing a destination address to a database (see FIG. 8-10, looking-up/comparing the destination address in the table lookup (i.e. FIG. 8, Table Lookup 98; see FIG. 9, Table Lookup 818; see FIG. 10, Table lookup 922, 925) having at least one entry comprising user defined call routing information (see FIG. 8, 9, 10, machine address and stream address in the table lookup) and at least one associated destination address (see FIG. 8-10, destination address (e.g. 924 (e.g. 2D) per FIG. 10)), the database for use in voice call routing to cause delivery of voice to a called party (see FIG. 8-10, Table lookup is used in audio call routing to routed audio to caller 2 (see FIG. 4); see col. 5, line 52-60; see col. 6, line) by a user selected one of a packet-based network or circuit switch network (see FIG. 4, by a caller 1 selection one of a Ethernet (i.e. packet switch network) or telephone line/network (i.e. circuit switch network); see col. 11, line 50-65) according to a destination address of the called party and the database (see col. 12, line 5-53; according to destination address of the caller 2 and a table lookup).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the rejection is based on the combination of Berken and Richter as set forth above.

Regarding original rejection, Weaver discloses wherein the digital voice data packets comprises information used for routing the digital voice data packets (see FIG. 3, 4, 9; voice packets comprise control/signaling information for routing voice data pakets; see col. 3, line 20-40; see col. 5, line 34-46; see col. 6, line 52-65; FIG. 1, discloses the digital voice packets are being routed over the network. FIG. 3, PCM signaling/control information which is used for routing the digital voice packets. FIG. 4, PCM signaling/control information (PCM 290,292) used for routing the digital voice packets (Vocoded packets 294); see col. 3, line 20-40; see col. 5, line 34-46; see col. 6, line 52-65).

A definition of a packet, which is a unit of information transmitted as a whole from one device to another over the network is well known in the art per prior art Microsoft computer dictionary (published since 1990 four years before applicant's invention as admitted by applicant as prior art, see remark page 24, submitted 12/2/09), and voice packet comprising destination information for routing is so well known in the art so that it would identify and locate the recipient of the voice data packet. In particular, Richter teaches a packet protocol wherein a packet is a unit of information transmitted as a whole from one device to another over the network (see FIG. 6, data packet protocol with a data packet 52, note that according to applicant admitted Microsoft 1992 published dictionary, a packet, is a unit of information transmitted as a

whole from one device to another over the network; see col. 6, line 60 to col. 7, line 20); wherein the digital voice data packets comprise destination information used for routing (see FIG. 6, destination address 76, max destination count 74, active destination count 72, and destination count that used for routing; see col. 6, line 60 to col. 7, line 20) the digital voice packets through the communication network (see FIG. 5, for routing voice packets over the network between two callers; see col. 5, line 36-66; col. 6, line 44-56); comparing a destination address to a database (see FIG. 8-10, looking-up/comparing the destination address in the table lookup (i.e. FIG. 8, Table Lookup 98; see FIG. 9, Table Lookup 818; see FIG. 10, Table lookup 922, 925) having at least one entry comprising user defined call routing information (see FIG. 8, 9, 10, machine address and stream address in the table lookup) and at least one associated destination address (see FIG. 8-10, destination address (e.g. 924 (e.g. 2D) per FIG. 10)), the database for use in voice call routing to cause delivery of voice to a called party (see FIG. 8-10, Table lookup is used in audio call routing to routed audio to caller 2 (see FIG. 4); see col. 5, line 52-60; see col. 6, line) by a user selected one of a packet-based network or circuit switch network (see FIG. 4, by a caller 1 selection one of a Ethernet (i.e. packet switch network) or telephone line/network (i.e. circuit switch network); see col. 11, line 50-65) according to a destination address of the called party and the database (see col. 12, line 5-53; according to destination address of the caller 2 and a table lookup).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the rejection is based on the combination of Weaver and Richter as set forth above.

In response to all applicant arguments, all responses to the arguments in previous actions are here by incorporated, and they will not be repeated in this action.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required (NO NEW MATTTER MUST BE ADDED).

Claim 22 recites, "a packet is **a unit of information transmitted as a whole from one device to another over the network**".

Examiner was able to find "a packet" in the 321 pages specification; however, examiner was unable to find a definition of a packet "**a unit of information transmitted as a whole from one device to another over the network"** within 321 pages of the specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 22-81 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 22, 28, 29, 36, 43, 47, 51 and 60 discloses "a system for processing voice communication over network….a transceiver circuit for wireless transmission and wireless reception according to a wireless communication protocol …*comparing a destination address to a database having at least one entry comprising user defined call routing information and at least one associated destination address, the database for use in voice ...and the database*" where new limitation are underlined. The amended claim invention is a **wireless device** comprising *comparing a destination address to a database having at least one entry comprising user defined call routing information and at least one associated destination address, the database for use in voice ...and the database.*

The original specification appears to disclose a **wireless** device in FIG. 55a in one embodiment. The original specification appears to disclose **the wire device 6321, 6323** (see FIG. 63) that appears to disclose *comparing a destination address to a database having at least one entry comprising user defined call routing information and at least one associated destination address, the database for use in voice ...and the database* in FIG. 63.

Thus, the originally specification fails to support a **wireless device** comprising *comparing a destination address to a database having at least one entry comprising user defined call routing information and at least one associated destination address, the database for use in voice ...and the database* as newly added by the applicant.

Claims 23-27, 30-35, 37-42, 44-46, 48-59, 52-54, 61-81 are also rejected since they are depended upon rejected claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 29-42, 76 and 77 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 29 recites, "a **method of processing voice for a communication network, the method**, comprising: Packetizing digital voice data….compare a destination address to a database…wireless transmitting…"

Claim 36 recites, "a **method of processing voice for a communication network, the method**, comprising: Packetizing digital voice data….compare a destination address to a database…causing delivery of voice…wireless transmitting…wireless receivign...depacketizing...converting..."

Claim 29 and 36 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385.

The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process.

For example, the method including steps of **"packetizing...comparing....transmitting… receiving…depacketizing"** is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent. Thus, the method claim

1) do not tied to particular machine (such as a particular apparatus) by identifying the apparatus (e.g. a processor) that accomplishes the method steps. The claim fails to use a particular machine to impose a meaningful limit on the claim scope, and clearly the claim fails to use the machine to involve more than insignificant extra solution activity.

OR

2) do not transform underlying subject matter (such as an article or material) to a different state or thing. Note that the claims step only disclose about forming a performance monitor packet field, and the transformation fails to impose a meaningful limit on the claim scope and transformation fails to involve more than insignificant extra solution activity.

Since there is no particular "machine" that impose a meaningful limit on the claim scope, and clearly the use of the machine does not involve more than insignificant extra-solution activity. Moreover, there is no transformation that imposes a meaningful limit on the claim scope, and clearly the use of the machine does not involve more than insignificant extra-solution activity. Thus, the claim pre-empt substantially all practical uses of a judicial exception.

Thus, claims 29 and 36 are non-statutory.

Claim 30-35, 37-42, 76 and 77 are also rejected since they are depended upon rejected claims 29 and 36 set forth above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 22, 25, 26, 28, 29, 32-34, 36, 39, 40, 41, 47, 50, and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berken (WO 91/08629) in view of Richter (US006104706A).

Regarding Claims 22, 28, 29, 36 and 47, Berken discloses a system for processing voice for communication over a network (see FIG. 1A, wireless telecommunication system for voice and data communication; see page 4, line 6-9), the system comprising:

conversion circuitry (see FIG. 1C, phone interface 209) for converting analog voice signals to digital voice data (see FIG. 1C, phone interface 209 converts sound/voice input from telephone 127 into digital voice packets; see page 6, line 16-20) and for converting digital voice data to analog voice signals for the reproduction of voice (see FIG. 1C, phone interface 209 converts received digitized voice packets back into analog/sound signals for the telephone 127; see page 5, line 28 to page 6, line 5);

a processing circuit (see FIG. 1C, a combined system of processor 215, switch 213, phone 209) for managing the packetization of digital voice data to provide digital voice data packets (see FIG. 1C, a combined system 215,213,209 controls/manages converting of voice data to digital voice packets; see page 6, line 5-20) and for managing the depacketization of digital voice data (see FIG. 1C, a combined system 215,213,209 controls/manages converting of

received digitized voice packets back into analog/sound signals for the telephone 127; see page 5, line 28 to page 6, line 5), the processing circuit packetizing the digital voice data according to a packet protocol (see FIG. 1C, a combined system 215,213,209 converting voice data in accordance with packet protocol/rule for transmission; see page 6, line 16-20); and

a transceiver circuit for wireless transmission and wireless reception (see FIG. 1A, C, Radio interface 211 circuitry/module which perform both transmitter and receiver functionalities) according to a wireless communication protocol of the digital voice data packets (FIG. 1C, see page 6, line 14-20; radio interface 211 of a user module 103 communicates by utilizing packet protocol/practice/procedure/rules), wherein the digital voice data packets comprises information (see FIG. 3, control time slot of frame; and/or FIG. 4, packet header of the voice time slot) used for routing the digital voice data packets (see page 9, line 1-10; see page 10, line 17-30; control time slot of the transmit/receive frame comprises control information for routing/forwarding through PSTN, Ethernet LAN, or Token Ring LAN; and/or a packet header of the voice time slot comprises control information routing/forwarding through PSTN, Ethernet LAN, or Token Ring LAN);

a database (see FIG. 1C, memory 217; see page 6, line 5-9; see page 7, line 15-19), and the use in voice call routing to cause delivery of voice to a called party (see FIG. 5, 6, using control information for routing voice call to the called system; see page 9, line 1-10; see page 10, line 17-30) by a user selected one of a circuit switched network and a packet-based network (see FIG. 1A, 6, by a wireless system's request to select either circuit switch path for voice call to PSTN 151 (i.e. circuit switched network) or a packet switch path to Ethernet LAN (i.e. packet

switch network)) according to a information (see FIG. 5, 6, according to a request; see page 10, lines 25 to col. 11, lines 5; see page 9, lines 15-25).

Although Berken discloses a database and a user selected one of a circuit switched network and a packet-based network as set forth above,

Berken does not explicitly disclose "*a packet is a unit of information transmitted as a whole from one device to another over the network*", "*destination*", "*having at least one entry comprising user defined call routing information and at least one associated destination address*", "*for use in voice call routing to cause delivery of voice to a called party*", and "*according to a destination address of the called party and the database*".

However, a definition of *a packet, which is a unit of information transmitted as a whole from one device to another over the network* is well known in the art per prior art Microsoft computer dictionary (*published since 1990 four years before applicant's invention as admitted by applicant as prior art, see remark page 24, submitted 12/2/09*), and voice packet comprising destination information for routing is so well known in the art so that it would identify and locate the recipient of the voice data packet. In particular, Richter teaches a packet protocol wherein a packet is a unit of information transmitted as a whole from one device to another over the network *(*see FIG. 6, data packet protocol with a data packet 52, note that according to applicant admitted Microsoft 1992 published dictionary, *a packet, is a unit of information transmitted as a whole from one device to another over the network;* see col. 6, line 60 to col. 7, line 20*)*;

wherein the digital voice data packets comprise destination information used for routing (see FIG. 6, destination address 76, max destination count 74, active destination count 72, and destination count that used for routing; see col. 6, line 60 to col. 7, line 20) the digital voice

packets through the communication network (see FIG. 5, for routing voice packets over the network between two callers; see col. 5, line 36-66; col. 6, line 44-56);

comparing a destination address to a database (see FIG. 8-10, looking-up/comparing the destination address in the table lookup (i.e. FIG. 8, Table Lookup 98; see FIG. 9, Table Lookup 818; see FIG. 10, Table lookup 922, 925) having at least one entry comprising user defined call routing information (see FIG. 8, 9, 10, machine address and stream address in the table lookup) and at least one associated destination address (see FIG. 8-10, destination address (e.g. 924 (e.g. 2D) per FIG. 10)), the database for use in voice call routing to cause delivery of voice to a called party (see FIG. 8-10, Table lookup is used in audio call routing to routed audio to caller 2 (see FIG. 4); see col. 5, line 52-60; see col. 6, line) by a user selected one of a packet-based network or circuit switch network (see FIG. 4, by a caller 1 selection one of a Ethernet (i.e. packet switch network) or telephone line/network (i.e. circuit switch network); see col. 11, line 50-65) according to a destination address of the called party and the database (see col. 12, line 5-53; according to destination address of the caller 2 and a table lookup).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "*a packet is a unit of information transmitted as a whole from one device to another over the network*", "*destination*", "*having at least one entry comprising user defined call routing information and at least one associated destination address*", "*for use in voice call routing to cause delivery of voice to a called party*", and "*according to a destination address of the called party and the database*, as taught by Richter and well established teaching in art in the system of Berken, so that it would provide capability to the caller and callee to hear

each other; see Richter col. 7, line 10-19, and it would also identify and locate the recipient of the voice data packet.

Regarding Claims 25, 33,40,57,58 and 59, Berken disclose a frequency hopping spread spectrum technique (see page 11, line 20-31; frequency hoping system of spread spectrum coding).

Regarding Claims 26, 34, and 41, Berken disclose a direct sequence spread spectrum technique (see page 11, line 20-31; direct sequence spread spectrum coding).

Regarding Claims 32,39,50, Berken discloses conversion circuitry for converting analog voice signals to digital voice data (see FIG. 1C, phone interface 209 converts sound/voice input from telephone 127 into digital voice packets for radio transmission; see page 6, line 16-20) and for converting digital voice data to analog voice signals for the reproduction of voice (see FIG. 1C, phone interface 209 converts digitized voice packets received from radio interface back into analog/sound signals for the telephone 127; see page 5, line 28 to page 6, line 5).

10. Claims 43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berken in view of Richter and further in view of Harrison (US 5,796,727).

Regarding Claim 43, Berken discloses a system for processing voice for communication over a network, the system (see FIG. 1A, wireless telecommunication system for voice communication; see page 4, line 6-9) comprising:

a processing circuit (see FIG. 1C, a combined system of processor 215, switch 213, phone 209) for managing the packetization of digital voice data to provide digital voice data packets (see FIG. 1C, a combined system 215,213,209 controls/manages converting of voice data

to digital voice packets; see page 6, line 6-20) and for managing the depacketization of digital voice data (see FIG. 1C, a combined system 215,213,209 controls/manages converting of received digitized voice packets back into analog/sound signals for the telephone 127; see page 5, line 28 to page 6, line 5), the processing circuit packetizing the digital voice data according to a packet protocol (see FIG. 1C, a combined system 215,213,209 converting voice data in accordance with packet protocol/rule for transmission; see page 6, line 16-20); wherein the digital voice data packets comprises information (see FIG. 3, control time slot of frame; and/or FIG. 4, packet header of the voice time slot) used for routing the digital voice data packets (see page 9, line 1-10; see page 10, line 17-30; control time slot of the transmit/receive frame comprises control information for routing/forwarding through PSTN, Ethernet LAN, or Token Ring LAN; and/or a packet header of the voice time slot comprises control information routing/forwarding through PSTN, Ethernet LAN, or Token Ring LAN);

a transceiver circuit for wireless transmission and wireless reception (see FIG. 1A, C, Radio interface 211 circuitry/module which perform both transmitter and receiver functionalities) according to a wireless communication protocol of the digital voice data packets (FIG. 1C, see page 6, line 14-20; radio interface 211 of a user module 103 communicates by utilizing packet protocol/practice/procedure/rules);

a database (see FIG. 1C, memory 217; see page 6, line 5-9; see page 7, line 15-19), and the use in voice call routing to cause delivery of voice to a called party (see FIG. 5, 6, using control information for routing voice call to the called system; see page 9, line 1-10; see page 10, line 17-30) by a user selected one of a circuit switched network and a packet-based network (see FIG. 1A, 6, by a wireless system's request to select either circuit switch path for voice call to

PSTN 151 (i.e. circuit switched network) or a packet switch path to Ethernet LAN (i.e. packet switch network)) according to a information (see FIG. 5, 6, according to a request; see page 10, lines 25 to col. 11, lines 5; see page 9, lines 15-25).

Although Berken discloses a database and a user selected one of a circuit switched network and a packet-based network as set forth above,

Berken does not explicitly disclose "*a packet is a unit of information transmitted as a whole from one device to another over the network*", "*destination*", "*having at least one entry comprising user defined call routing information and at least one associated destination address*", "*for use in voice call routing to cause delivery of voice to a called party*", and "*according to a destination address of the called party and the database*".

However, a definition of *a packet, which is a unit of information transmitted as a whole from one device to another over the network* is well known in the art per prior art Microsoft computer dictionary (*published since 1990 four years before applicant's invention as admitted by applicant as prior art, see remark page 24, submitted 12/2/09*), and voice packet comprising destination information for routing is so well known in the art so that it would identify and locate the recipient of the voice data packet. In particular, Richter teaches a packet protocol wherein a packet is a unit of information transmitted as a whole from one device to another over the network *(*see FIG. 6, data packet protocol with a data packet 52, note that according to applicant admitted Microsoft 1992 published dictionary, *a packet, is a unit of information transmitted as a whole from one device to another over the network;* see col. 6, line 60 to col. 7, line 20*)*;

wherein the digital voice data packets comprise destination information used for routing (see FIG. 6, destination address 76, max destination count 74, active destination count 72, and

destination count that used for routing; see col. 6, line 60 to col. 7, line 20) the digital voice packets through the communication network (see FIG. 5, for routing voice packets over the network between two callers; see col. 5, line 36-66; col. 6, line 44-56);

comparing a destination address to a database (see FIG. 8-10, looking-up/comparing the destination address in the table lookup (i.e. FIG. 8, Table Lookup 98; see FIG. 9, Table Lookup 818; see FIG. 10, Table lookup 922, 925) having at least one entry comprising user defined call routing information (see FIG. 8, 9, 10, machine address and stream address in the table lookup) and at least one associated destination address (see FIG. 8-10, destination address (e.g. 924 (e.g. 2D) per FIG. 10)), the database for use in voice call routing to cause delivery of voice to a called party (see FIG. 8-10, Table lookup is used in audio call routing to routed audio to caller 2 (see FIG. 4); see col. 5, line 52-60; see col. 6, line) by a user selected one of a packet-based network or circuit switch network (see FIG. 4, by a caller 1 selection one of a Ethernet (i.e. packet switch network) or telephone line/network (i.e. circuit switch network); see col. 11, line 50-65) according to a destination address of the called party and the database (see col. 12, line 5-53; according to destination address of the caller 2 and a table lookup).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "*a packet is a unit of information transmitted as a whole from one device to another over the network*", "*destination*", "*having at least one entry comprising user defined call routing information and at least one associated destination address*", "*for use in voice call routing to cause delivery of voice to a called party*", and "*according to a destination address of the called party and the database*, as taught by Berken and well established teaching in art in the system of Berken, so that it would provide capability to the caller and callee to hear

each other; see Richter col. 7, line 10-19, and it would also identify and locate the recipient of the voice data packet.

Neither Berken nor Richter explicitly discloses "a media access controller for controlling operation".

However, Harrison teaches wherein the digital voice packets (see col. 4, line 45-49; 65 to col. 5, line 7; packets of voice data) comprise destination information used for routing the outgoing digital voice packets (see FIG. 5; MS adding destination address into packet for routing through network (see FIG. 1); see col. 6, line 5-12; see col. 7, line 35 to col. 8, line 15; see col.12, line 39 to col. 13, line 11); a media access controller (see col. 5, line 25-31; MAC) for controlling the operation of the transceiver to transmit and receive information according to a wireless communication protocol (see col. 12, line 39-61; MAC controls/process transmit and receive information according to IEEE wireless protocol).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "MAC", as taught by Harrison in the combined system of Berken and Richter, so that it would ensure to establish and route the packets of voice data to destination end user, provide various classes of data communication services as well as voices services, and provide registration and channel/bandwidth allocation; see Harrison col. 3, line 22-26; see col. 4, line 50-55; see col. 7, line 35-55.

Regarding Claim 46, Berken discloses conversion circuitry for converting analog voice signals to digital voice data (see FIG. 1C, phone interface 209 converts sound/voice input from telephone 127 into digital voice packets for radio transmission; see page 6, line 16-20) and for converting digital voice data to analog voice signals for the reproduction of voice (see FIG. 1C,

phone interface 209 converts digitized voice packets received from radio interface back into analog/sound signals for the telephone 127; see page 5, line 28 to page 6, line 5).

11. Claim 27, 35, 42, 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berken in view of Richter, and further in view of Weaver (US005956673A).

Regarding Claims 27, 35, 42, Berken discloses wireless transmission and reception of digital voice data packets/transceiver utilizes a communication protocol (see FIG. 1A, controls/manage a radio transmission according to a radio protocol (i.e. TDMA); see page 10, line 23-33 for voice packet in PSTN or data packet in Ethernet LAN, or Token Ring LAN; see page 6, line 5 to page 8, line 4) that accommodates a plurality of bandwidth (see page 10, line 4 to col. 11, line 15; radio protocol provides different bandwidth for different services/data type).

Neither Berken nor Richter explicitly discloses "data rates including at least a standard data rate and a higher data rate".

However, Weaver discloses a processor (see FIG. 1, Encoder 180) for controlling the operation of the radio according to a communication protocol that accommodates a plurality of data rates (see col. 1, line 25-37; see col. 5, line 55-59; see col. 9, line 33-34; plurality of data rates) including at least a standard data rate and a higher data rate (see col. 1, line 25-37; see col. 6, line 13-25; see col. 9, line 33-35; low or less than full (i.e. half or quarter) data rate and full data rate).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide data rates including at least a standard data rate and a higher

data rate, as taught by Weaver in the combined system of Berken and Richter, so that it would provide avoid the disadvantage of tandem vocoding; see Weaver col. 1, line 60-67.

Regarding Claim 51, Berken discloses a system for processing voice for communication over a network (see FIG. 1A, wireless telecommunication system for voice communication; see page 4, line 6-9) comprising:

a processing circuit (see FIG. 1C, a combined system of processor 215, switch 213, phone 209) for managing the packetization of digital voice data to provide digital voice data packets (see FIG. 1C, a combined system 215,213,209 controls/manages converting of voice data to digital voice packets; see page 6, line 6-20) and for managing the depacketization of digital voice data (see FIG. 1C, a combined system 215,213,209 controls/manages converting of received digitized voice packets back into analog/sound signals for the telephone 127; see page 5, line 28 to page 6, line 5), wherein the digital voice data packets comprises destination information (see FIG. 3, control time slot of frame; and/or FIG. 4, packet header of the voice time slot) used for routing the digital voice data packets (see page 9, line 1-10; see page 10, line 17-30; control time slot of the transmit/receive frame comprises routing/forwarding information through PSTN, Ethernet LAN, or Token Ring LAN; and/or a packet header of the voice time slot comprises routing/forwarding information through PSTN, Ethernet LAN, or Token Ring LAN), the processing circuit packetizing the digital voice data according to a packet protocol (see FIG. 1C, a combined system 215,213,209 converting voice data in accordance with packet protocol/rule for transmission; see page 6, line 16-20); and

a radio for wireless transmission and reception (see FIG. 1A, C, Radio interface 211 circuitry/module which perform both transmitter and receiver functionalities) of digital voice

data packets (FIG. 1C, see page 6, line 14-20; radio interface 211 of a user module 103 communicates by utilizing packet protocol/practice/procedure/rules) and

a processor (see FIG. 1C, processor 215) for controlling the operation of the radio according to a communication protocol (see FIG. 1A, controls/manage a radio transmission according to a radio protocol (i.e. TDMA); see page 10, line 23-33 for voice packet in PSTN or data packet in Ethernet LAN, or Token Ring LAN; see page 6, line 5 to page 8, line 4) that accommodates a plurality of bandwidth (see page 10, line 4 to col. 11, line 15; radio protocol provides different bandwidth for different services/data type).

Berken does not explicitly disclose "destination".

However, voice packet comprising destination information for routing is so well known in the art so that it would identify and locate the recipient of the voice data packet. In particular, Richter teaches wherein the digital voice data packets comprise destination information used for routing (see FIG. 6, destination address 76, max destination count 74, active destination count 72, and destination count that used for routing; see col. 6, line 60 to col. 7, line 20) the digital voice packets through the communication network (see FIG. 5, for routing voice packets over the network between two callers; see col. 5, line 36-66; col. 6, line 44-56).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide destination, as taught by Berken and well established teaching in art in the system of Berken, so that it would provide capability to the caller and callee to hear each other; see Richter col. 7, line 10-19, and it would also identify and locate the recipient of the voice data packet.

Neither Berken nor Richter explicitly discloses "data rates including at least a standard data rate and a higher data rate".

Weaver discloses a processor (see FIG. 1, Encoder 180) for controlling the operation of the radio according to a communication protocol that accommodates a plurality of data rates (see col. 1, line 25-37; see col. 5, line 55-59; see col. 9, line 33-34; plurality of data rates) including at least a standard data rate and a higher data rate (see col. 1, line 25-37; see col. 6, line 13-25; see col. 9, line 33-35; low or less than full (i.e. half or quarter) data rate and full data rate).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide data rates including at least a standard data rate and a higher data rate, as taught by Weaver in the combined system of Berken and Richter, so that it would provide avoid the disadvantage of tandem vocoding; see Weaver col. 1, line 60-67.

Regarding Claim 54, Berken discloses conversion circuitry for converting analog voice signals to digital voice data (see FIG. 1C, phone interface 209 converts sound/voice input from telephone 127 into digital voice packets for radio transmission; see page 6, line 16-20) and for converting digital voice data to analog voice signals for the reproduction of voice (see FIG. 1C, phone interface 209 converts digitized voice packets received from radio interface back into analog/sound signals for the telephone 127; see page 5, line 28 to page 6, line 5).

12. Claims 23,24,30,31,37,38,48,49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berken in view of Richter, and further in view of Perkins (US005159592A).

Regarding Claims 23, 24,30,31,37,38,48,49, neither Berken nor Richter explicitly discloses an Internet Protocol (IP), wherein IP protocol is TCP/IP. However, Perkins discloses

wherein the wireless packet network uses an Internet Protocol (IP), wherein IP protocol is TCP/IP (see col. 4, line 10-20; see col. 7, line 35-56; col. 8, line 30-45; mobile unit 10 and access gateway utilizing TCP/IP).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide TCP/IP, as taught by Perkins, in the system of Berken, so that it would provide wireless migration users to a network operating in accordance with the TCP/IP protocol; see Perkins col. 2, line 55-60; see col. 3, line 15-30.

13. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berken in view of Richter and Harrison, and further in view of Perkins (US005159592A).

Regarding Claims 44 and 45, neither Berken, Richter nor Harrision explicitly disclose an Internet Protocol (IP), wherein IP protocol is TCP/IP. However, Perkins discloses wherein the wireless packet network uses an Internet Protocol (IP), wherein IP protocol is TCP/IP (see col. 4, line 10-20; see col. 7, line 35-56; col. 8, line 30-45; mobile unit 10 and access gateway utilizing TCP/IP).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide TCP/IP, as taught by Perkins, in the combined system of Berken and Harrison, so that it would provide wireless migration users to a network operating in accordance with the TCP/IP protocol; see Perkins col. 2, line 55-60; see col. 3, line 15-30.

14. Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berken in view of Richter and Weaver, and further in view of Perkins (US005159592A).

Regarding Claims 52 and 53, neither Berken, Richter nor Weaver explicitly discloses an Internet Protocol (IP), wherein IP protocol is TCP/IP. However, Perkins discloses wherein the wireless packet network uses an Internet Protocol (IP), wherein IP protocol is TCP/IP (see col. 4, line 10-20; see col. 7, line 35-56; col. 8, line 30-45; mobile unit 10 and access gateway utilizing TCP/IP).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide TCP/IP, as taught by Perkins, in the combined system of Berken, Richter and Weaver, so that it would provide wireless migration users to a network operating in accordance with the TCP/IP protocol; see Perkins col. 2, line 55-60; see col. 3, line 15-30.

15. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berken and Richter, and further in view of Cripps (US005838730A).

Regarding Claims 55 and 56, Berken disclose a frequency hopping spread spectrum technique (see page 11, line 20-31; frequency hoping system of spread spectrum coding).

Berken does not explicitly disclose a frequency of approximately 2.4 gigahertz.

However, using 2.4 GHz frequency hopping is well known in the art as defined by FCC. In particular, Cripps discloses wherein the wireless packet network communicates at a frequency of approximately 2.4 gigahertz (abstract; see col. 2, line 13-20; see col. 36, line 32-45; 2.4 GHz).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide 2.4 GHz, as taught by Cripps, in the combined system of

Berken and Richter, so that it would provide a transmitter/receiver in accordance with FCC rules for 2.4 GHz ISM which is low cost and low power; see Cripps col. 2, line 15-32.

16. Claims 74, 75, 76, 77, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berken in view of Richter as applied to claims above, and further in view of Dezonno (US 5991394).

Regarding Claims 74, 75, 76, 77 and 79, Berken discloses a user (see FIG. 1C, wireless user) selecting delivery of voice to called party by one of the circuit switch network and the packet-based network (see FIG. 1A, 6, request to select either circuit switch path for voice call to PSTN 151 (i.e. circuit switched network) or a packet switch path to Ethernet LAN (i.e. packet switch network); see page 10, lines 25 to col. 11, lines 5; see page 9, lines 15-25). Richter also discloses a user (see FIG. 4, caller 1) selecting delivery of voice to called party by one of the circuit switch network and the packet-based network (see FIG. 4, by a caller 1 selection one of a Ethernet (i.e. packet switch network) or telephone line/network (i.e. circuit switch network); see col. 11, line 50-65), indicated by a user defined parameter (see col. 12, line 5-53; according to destination address of the caller 2 and a table lookup, which are defined by the user).

Although the combined system of Berken and Richter discloses a user selecting deliver of voice to the called party by one of the circuit switched network and the packet-based network, indicated by a user defined parameter,

neither Berken nor Richter explicitly discloses a user is "*prompted*".

However, Dezonno discloses a user (see FIG. 1, Agent 104, or user 102) is prompted to select delivery of voice (see FIG. 1, 2, prompt to select voice telephone call) to the called party

(see FIG. 1, to user 102, or agent 104) by one of the circuit switched network (see FIG. 1, by telephone network 122) and the packet-based network (see FIG. 1, by Internet 108), if such prompting is indicated by a user defined parameter (see FIG. 1, when prompting is indicated by user's parameter such as telephone number or name; see col. 3, line 33 to col. 4, line 25; see col. 4, line 40 to col. 5, lines 65; col. 7, line 25-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a user is "*prompted*" as taught by Dezonno, in the combined system of Berken and Richter, so that it would provide establishing voice communications between a computer user and an agent of a business, and a computer user to easily and conveniently have a business advertising on a computer network, call the computer user back over the telephone; see Dezonno col. 2, line 10-14, col. 3, lines 1-5.

17. Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berken in view of Richter and Harrison as applied to claims above, and further in view of Dezonno (US 5991394).

Regarding Claim 78, Berken discloses a user (see FIG. 1C, wireless user) selecting delivery of voice to called party by one of the circuit switch network and the packet-based network (see FIG. 1A, 6, request to select either circuit switch path for voice call to PSTN 151 (i.e. circuit switched network) or a packet switch path to Ethernet LAN (i.e. packet switch network); see page 10, lines 25 to col. 11, lines 5; see page 9, lines 15-25). Richter also discloses a user (see FIG. 4, caller 1) selecting delivery of voice to called party by one of the circuit switch network and the packet-based network (see FIG. 4, by a caller 1 selection one of a Ethernet (i.e. packet switch network) or telephone line/network (i.e. circuit switch network); see col. 11, line

50-65), indicated by a user defined parameter (see col. 12, line 5-53; according to destination address of the caller 2 and a table lookup, which are defined by the user).

Although the combined system of Berken, Richter and Harrison discloses a user selecting deliver of voice to the called party by one of the circuit switched network and the packet-based network, indicated by a user defined parameter,

neither Berken, Richter nor Harrison explicitly discloses a user is "*prompted*".

However, Dezonno discloses a user (see FIG. 1, Agent 104, or user 102) is prompted to select delivery of voice (see FIG. 1, 2, prompt to select voice telephone call) to the called party (see FIG. 1, to user 102, or agent 104) by one of the circuit switched network (see FIG. 1, by telephone network 122) and the packet-based network (see FIG. 1, by Internet 108), if such prompting is indicated by a user defined parameter (see FIG. 1, when prompting is indicated by user's parameter such as telephone number or name; see col. 3, line 33 to col. 4, line 25; see col. 4, line 40 to col. 5, lines 65; col. 7, line 25-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a user is "*prompted*" as taught by Dezonno, in the combined system of Berken, Richter and Harrison, so that it would provide establishing voice communications between a computer user and an agent of a business, and a computer user to easily and conveniently have a business advertising on a computer network, call the computer user back over the telephone; see Dezonno col. 2, line 10-14, col. 3, lines 1-5.

18. Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berken in view of Richter and Weaver as applied to claims above, and further in view of Dezonno (US 5991394).

Regarding Claim 80, Berken discloses a user (see FIG. 1C, wireless user) selecting delivery of voice to called party by one of the circuit switch network and the packet-based network (see FIG. 1A, 6, request to select either circuit switch path for voice call to PSTN 151 (i.e. circuit switched network) or a packet switch path to Ethernet LAN (i.e. packet switch network); see page 10, lines 25 to col. 11, lines 5; see page 9, lines 15-25). Richter also discloses a user (see FIG. 4, caller 1) selecting delivery of voice to called party by one of the circuit switch network and the packet-based network (see FIG. 4, by a caller 1 selection one of a Ethernet (i.e. packet switch network) or telephone line/network (i.e. circuit switch network); see col. 11, line 50-65), indicated by a user defined parameter (see col. 12, line 5-53; according to destination address of the caller 2 and a table lookup, which are defined by the user).

Although the combined system of Berken, Richter and Weaver discloses a user selecting deliver of voice to the called party by one of the circuit switched network and the packet-based network, indicated by a user defined parameter,

neither Berken, Richter nor Weaver explicitly discloses a user is "*prompted*".

However, Dezonno discloses a user (see FIG. 1, Agent 104, or user 102) is prompted to select delivery of voice (see FIG. 1, 2, prompt to select voice telephone call) to the called party (see FIG. 1, to user 102, or agent 104) by one of the circuit switched network (see FIG. 1, by telephone network 122) and the packet-based network (see FIG. 1, by Internet 108), if such prompting is indicated by a user defined parameter (see FIG. 1, when prompting is indicated by user's parameter such as telephone number or name; see col. 3, line 33 to col. 4, line 25; see col. 4, line 40 to col. 5, lines 65; col. 7, line 25-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a user is "*prompted*" as taught by Dezonno, in the combined system of Berken, Richter and Weaver, so that it would provide establishing voice communications between a computer user and an agent of a business, and a computer user to easily and conveniently have a business advertising on a computer network, call the computer user back over the telephone; see Dezonno col. 2, line 10-14, col. 3, lines 1-5.

Original Rejection

19. Claims 22,27-29,32,35,36,39,42,47,50,51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (US005956673A) in view of Richter (US006104706A).

Regarding Claims 22, 28, 29, 36 and 47, Weaver discloses a system (see FIG. 2, Remote unit 10) for processing voice for communication (see FIG. 1, remote vocoder 15) over a network (see FIG. 2, Wireless network 20) comprising:

conversion circuitry (see FIG. 1, Encoder 180 and Decoder 90) for converting analog voice signals to digital voice data (see FIG. 1, Encoder 180 performs A/D conversion) and for converting digital voice data to analog voice signals for the reproduction of voice (see FIG. 1, Decoder 90 performs D/A conversion; see col. 3, line 25-40; col. 4, line 40-59);

a processing circuit (see FIG. 1, Encoder 180 and Decoder 90) for managing the packetization of digital voice data to provide digital voice data packets (see FIG. 1, Encoder 180 performs packetizing) and for managing the depacketization of digital voice data (see FIG. 1, Decoder 90 decodes packets into digital voice), the processing circuit packetizing the digital

voice data according to a packet protocol (see col. 3, line 20-40; col. 4, line 20-39, 40-67; see col. 5, line 34-67; packetizing according to a packet protocol); and

a transceiver circuit (see FIG. 2, Transceiver in a remote unit 10) for wireless transmission and wireless reception according to a wireless communication protocol of the digital voice data packets (see col. 4, line 40-67; transmitting over wireless link according to wireless protocol), wherein the digital voice data packets comprises information used for routing the digital voice data packets (see FIG. 3,4,9; voice packets comprise control/signaling information for routing voice data pakets; see col. 3, line 20-40; see col. 5, line 34-46; see col. 6, line 52-65; FIG. 1, discloses the digital voice packets are being routed over the network. FIG. 3, PCM signaling/control information which is used for routing the digital voice packets. FIG. 4, PCM signaling/control information (PCM 290,292) used for routing the digital voice packets (Vocoded packets 294); see col. 3, line 20-40; see col. 5, line 34-46; see col. 6, line 52-65).

Weaver does not explicitly disclose "*a packet is a unit of information transmitted as a whole from one device to another over the network*", "*destination*", *"a data base having at least one entry comprising user defined call routing information and at least one associated destination address, the database for use in voice call routing to cause delivery of voice to a called part by a user selected one of a circuit switched and a packet-based network according to a destination address of the called party and the database*".

However, a definition of *a packet, which is a unit of information transmitted as a whole from one device to another over the network* is well known in the art per prior art Microsoft computer dictionary (*published since 1990 four years before applicant's invention as admitted by applicant as prior art, see remark page 24, submitted 12/2/09*), and voice packet comprising

destination information for routing is so well known in the art so that it would identify and locate the recipient of the voice data packet. In particular, Richter teaches a packet protocol wherein a packet is a unit of information transmitted as a whole from one device to another over the network *(*see FIG. 6, data packet protocol with a data packet 52, note that according to applicant admitted Microsoft 1992 published dictionary, *a packet, is a unit of information transmitted as a whole from one device to another over the network;* see col. 6, line 60 to col. 7, line 20*)*;

wherein the digital voice data packets comprise destination information used for routing (see FIG. 6, destination address 76, max destination count 74, active destination count 72, and destination count that used for routing; see col. 6, line 60 to col. 7, line 20) the digital voice packets through the communication network (see FIG. 5, for routing voice packets over the network between two callers; see col. 5, line 36-66; col. 6, line 44-56);

comparing a destination address to a database (see FIG. 8-10, looking-up/comparing the destination address in the table lookup (i.e. FIG. 8, Table Lookup 98; see FIG. 9, Table Lookup 818; see FIG. 10, Table lookup 922, 925) having at least one entry comprising user defined call routing information (see FIG. 8, 9, 10, machine address and stream address in the table lookup) and at least one associated destination address (see FIG. 8-10, destination address (e.g. 924 (e.g. 2D) per FIG. 10)), the database for use in voice call routing to cause delivery of voice to a called party (see FIG. 8-10, Table lookup is used in audio call routing to routed audio to caller 2 (see FIG. 4); see col. 5, line 52-60; see col. 6, line) by a user selected one of a packet-based network or circuit switch network (see FIG. 4, by a caller 1 selection one of a Ethernet (i.e. packet switch network) or telephone line/network (i.e. circuit switch network); see col. 11, line 50-65)

according to a destination address of the called party and the database (see col. 12, line 5-53; according to destination address of the caller 2 and a table lookup).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "*a packet is a unit of information transmitted as a whole from one device to another over the network*", "*destination*", *"a data base having at least one entry comprising user defined call routing information and at least one associated destination address, the database for use in voice call routing to cause delivery of voice to a called part by a user selected one of a circuit switched and a packet-based network according to a destination address of the called party and the database"*, as taught by Richter and well established teaching in art in the system of Weaver, so that it would provide capability to the caller and callee to hear each other; see Richter col. 7, line 10-19, and it would also identify and locate the recipient of the voice data packet.

Regarding Claim 51, Weaver discloses a system (see FIG. 2, Remote unit 10) for processing voice for communication (see FIG. 1, remote vocoder 15) over a network (see FIG. 2, Wireless network 20) comprising:

a processing circuit (see FIG. 1, Encoder 180 and Decoder 90) for managing the packetization of digital voice data to provide digital voice data packets (see FIG. 1, Encoder 180 performs packetizing) and for managing the depacketization of digital voice data (see FIG. 1, Decoder 90 decodes packets into digital voice), wherein the digital voice data packets comprises information used for routing the digital voice data packets (see FIG. 3,4,9; voice packets comprise control/signaling information; see col. 3, line 20-40; see col. 5, line 34-46; see col. 6, line 52-65; FIG. 1, discloses the digital voice packets are being routed over the network. FIG. 3,

PCM signaling/control information which is used for routing the digital voice packets. FIG. 4, PCM signaling/control information (PCM 290,292) used for routing the digital voice packets (Vocoded packets 294); see col. 3, line 20-40; see col. 5, line 34-46; see col. 6, line 52-65), the processing circuit packetizing the digital voice data according to a packet protocol (see col. 3, line 20-40; col. 4, line 20-39, 40-67; see col. 5, line 34-67; packetizing according to a packet protocol); and

a radio for wireless transmission and reception of digital voice data packets (see FIG. 2, Radio Transceiver in a remote unit 10; see col. 4, line 40-67) and

a processor (see FIG. 1, Encoder 180) for controlling the operation of the radio according to a communication protocol that accommodates a plurality of data rates (see col. 1, line 25-37; see col. 5, line 55-59; see col. 9, line 33-34; plurality of data rates) including at least a standard data rate and a higher data rate (see col. 1, line 25-37; see col. 6, line 13-25; see col. 9, line 33-35; low or less than full (i.e. half or quarter) data rate and full data rate).

Weaver does not explicitly disclose destination information.

However, it is well known in the art when forming and routing packets/frames over the network to remote end/destination, one must use destination address/number/information to route. In particular, Richter teaches wherein the digital voice packets comprise destination information used for routing (see FIG. 6, destination address 76, max destination count 74, active destination count 72, and destination count that used for routing; see col. 6, line 60 to col. 7, line 20) the digital voice packets through the communication network (see FIG. 5, for routing voice packets over the network between two callers; see col. 5, line 36-66; col. 6, line 44-56).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide destination, as taught by Richter and well established teaching in art in the system of Weaver, so that it would provide capability to the caller and callee to hear each other; see Richter col. 7, line 10-19, and it would also identify and locate the recipient of the voice data packet.

Regarding Claims 27,35,42, Weaver discloses wireless transmission and reception of digital voice data packets/transceiver utilizes a communication protocol that accommodates a plurality of data rates (see FIG. 1, Encoder 180; see col. 1, line 25-37; see col. 5, line 55-59; see col. 9, line 33-34; plurality of data rates) including at least a standard data rate and a higher data rate (see col. 1, line 25-37; see col. 6, line 13-25; see col. 9, line 33-35; low or less than full (i.e. half or quarter) data rate and full data rate).

Regarding Claims 32,39,50,54, Weaver discloses conversion circuitry (see FIG. 1, Encoder 180 and Decoder 90) for converting analog voice signals to digital voice data (see FIG. 1, Encoder 180 performs A/D conversion) and for converting digital voice data to analog voice signals for the reproduction of voice (see FIG. 1, Decoder 90 performs D/A conversion; see col. 3, line 25-40; col. 4, line 40-59).

20. Claims 23,24,30,31,37,38,48,49,52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver in view of Richter, as applied to claims 22,29,36,47,51 above, and further in view of Perkins (US005159592A).

Regarding Claims 23, 24, 30,31,37,38,48,49,52, and 53, neither Weaver nor Richter explicitly discloses an Internet Protocol (IP), wherein IP protocol is TCP/IP. However, Perkins discloses wherein the wireless packet network uses an Internet Protocol (IP), wherein IP protocol is TCP/IP (see col. 4, line 10-20; see col. 7, line 35-56; col. 8, line 30-45; mobile unit 10 and access gateway utilizing TCP/IP).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide TCP/IP, as taught by Perkins, in the combined system of Weaver and Richter, so that it would provide wireless migration users to a network operating in accordance with the TCP/IP protocol; see Perkins col. 2, line 55-60; see col. 3, line 15-30.

21. Claims 43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver (US005956673A) in view of Richter and further in view of Harrison (US 5,796,727).

Regarding Claim 43, Weaver discloses a system (see FIG. 2, Remote unit 10) for processing voice for communication (see FIG. 1, remote vocoder 15) over a network (see FIG. 2, Wireless network 20) comprising:

a processing circuit (see FIG. 1, Encoder 180 and Decoder 90) for managing the packetization of digital voice data to provide digital voice data packets (see FIG. 1, Encoder 180 performs packetizing) and for managing the depacketization of digital voice data (see FIG. 1, Decoder 90 decodes packets into digital voice), the processing circuit packetizing the digital voice data according to a packet protocol (see col. 3, line 20-40; col. 4, line 20-39, 40-67; see col. 5, line 34-67; packetizing according to a packet protocol); wherein the digital voice data packets comprises information used for routing the digital voice data packets (see FIG. 3,4,9;

voice packets comprise control/signaling information; see col. 3, line 20-40; see col. 5, line 34-46; see col. 6, line 52-65; FIG. 1, discloses the digital voice packets are being routed over the network. FIG. 3, PCM signaling/control information which is used for routing the digital voice packets. FIG. 4, PCM signaling/control information (PCM 290,292) used for routing the digital voice packets (Vocoded packets 294); see col. 3, line 20-40; see col. 5, line 34-46; see col. 6, line 52-65);

a transceiver circuit (see FIG. 2, Transceiver in a remote unit 10) for wireless transmission and wireless reception according to a wireless communication protocol of the digital voice data packets (see col. 4, line 40-67; transmitting over wireless link according to wireless protocol).

Weaver does not explicitly disclose "*a packet is a unit of information transmitted as a whole from one device to another over the network*", "*destination*", *"a data base having at least one entry comprising user defined call routing information and at least one associated destination address, the database for use in voice call routing to cause delivery of voice to a called part by a user selected one of a circuit switched and a packet-based network according to a destination address of the called party and the database*".

However, a definition of *a packet, which is a unit of information transmitted as a whole from one device to another over the network* is well known in the art per prior art Microsoft computer dictionary (*published since 1990 four years before applicant's invention as admitted by applicant as prior art, see remark page 24, submitted 12/2/09*), and voice packet comprising destination information for routing is so well known in the art so that it would identify and locate the recipient of the voice data packet. In particular, Richter teaches a packet protocol wherein a

packet is a unit of information transmitted as a whole from one device to another over the network *(*see FIG. 6, data packet protocol with a data packet 52, note that according to applicant admitted Microsoft 1992 published dictionary, *a packet, is a unit of information transmitted as a whole from one device to another over the network;* see col. 6, line 60 to col. 7, line 20*)*;

wherein the digital voice data packets comprise destination information used for routing (see FIG. 6, destination address 76, max destination count 74, active destination count 72, and destination count that used for routing; see col. 6, line 60 to col. 7, line 20) the digital voice packets through the communication network (see FIG. 5, for routing voice packets over the network between two callers; see col. 5, line 36-66; col. 6, line 44-56);

comparing a destination address to a database (see FIG. 8-10, looking-up/comparing the destination address in the table lookup (i.e. FIG. 8, Table Lookup 98; see FIG. 9, Table Lookup 818; see FIG. 10, Table lookup 922, 925) having at least one entry comprising user defined call routing information (see FIG. 8, 9, 10, machine address and stream address in the table lookup) and at least one associated destination address (see FIG. 8-10, destination address (e.g. 924 (e.g. 2D) per FIG. 10)), the database for use in voice call routing to cause delivery of voice to a called party (see FIG. 8-10, Table lookup is used in audio call routing to routed audio to caller 2 (see FIG. 4); see col. 5, line 52-60; see col. 6, line) by a user selected one of a packet-based network or circuit switch network (see FIG. 4, by a caller 1 selection one of a Ethernet (i.e. packet switch network) or telephone line/network (i.e. circuit switch network); see col. 11, line 50-65) according to a destination address of the called party and the database (see col. 12, line 5-53; according to destination address of the caller 2 and a table lookup).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "*a packet is a unit of information transmitted as a whole from one device to another over the network*", "*destination*", *"a data base having at least one entry comprising user defined call routing information and at least one associated destination address, the database for use in voice call routing to cause delivery of voice to a called part by a user selected one of a circuit switched and a packet-based network according to a destination address of the called party and the database"*, as taught by Richter and well established teaching in art in the system of Weaver, so that it would provide capability to the caller and callee to hear each other; see Richter col. 7, line 10-19, and it would also identify and locate the recipient of the voice data packet.

Neither Weaver nor Richter explicitly discloses "*a media access controller for controlling operation*".

However, Harrison teaches wherein the digital voice packets (see col. 4, line 45-49; 65 to col. 5, line 7; packets of voice data) comprise destination information used for routing the outgoing digital voice packets (see FIG. 5; MS adding destination address into packet for routing through network (see FIG. 1); see col. 6, line 5-12; see col. 7, line 35 to col. 8, line 15; see col.12, line 39 to col. 13, line 11);

a media access controller (see col. 5, line 25-31; MAC) for controlling the operation of the transceiver to transmit and receive information according to a wireless communication protocol (see col. 12, line 39-61; MAC controls/process transmit and receive information according to IEEE wireless protocol).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "MAC", as taught by Harrison in the combined system of Weaver and Richter, so that it would ensure to establish and route the packets of voice data to destination end user, provide various classes of data communication services as well as voices services, and provide registration and channel/bandwidth allocation; see Harrison col. 3, line 22-26; see col. 4, line 50-55; see col. 7, line 35-55.

Regarding Claim 46, Weaver discloses conversion circuitry (see FIG. 1, Encoder 180 and Decoder 90) for converting analog voice signals to digital voice data (see FIG. 1, Encoder 180 performs A/D conversion) and for converting digital voice data to analog voice signals for the reproduction of voice (see FIG. 1, Decoder 90 performs D/A conversion; see col. 3, line 25-40; col. 4, line 40-59).

22. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver in view of Richter and Harrison, as applied to claims above, and further in view of Perkins (US005159592A).

Regarding Claims 44 and 45, neither Weaver, Richter nor Harrison explicitly discloses an Internet Protocol (IP), wherein IP protocol is TCP/IP. However, Perkins discloses wherein the wireless packet network uses an Internet Protocol (IP), wherein IP protocol is TCP/IP (see col. 4, line 10-20; see col. 7, line 35-56; col. 8, line 30-45; mobile unit 10 and access gateway utilizing TCP/IP).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide TCP/IP, as taught by Perkins, in the combined system of

Weaver, Richter and Harrison, so that it would provide wireless migration users to a network operating in accordance with the TCP/IP protocol; see Perkins col. 2, line 55-60; see col. 3, line 15-30.

23. Claims 25, 33, 40, and 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver in view of Richter, as applied to claims above, and further in view of Cripps (US005838730A).

Regarding Claims 25, 33, 40, 57, 58 and 59, neither Weaver nor Richter explicitly discloses a frequency hopping spread spectrum protocol. However, using frequency hopping spread spectrum protocol is well known in the art. In particular, However, Cripps discloses wherein the wireless packet network communicates frequency hopping spectrum protocol (abstract; see col. 2, line 13-20; see col. 36, line 32-45; 2.4 GHz).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide frequency hopping spread spectrum protocol with 2.4 GHz, as taught by Cripps, in the combined system of Weaver and Richter, so that it would provide a transmitter/receiver in accordance with FCC rules to support frequency hopping spread spectrum 2.4 GHz ISM which is low cost and low power; see Cripps col. 2, line 15-32.

Regarding Claims 55 and 56, neither Weaver nor Richter explicitly discloses a radio comprises a 2.4 gigahertz, wherein the radio operates in accordance with a frequency hopping spread spectrum protocol. However, using 2.4 GHz frequency hopping is well known in the art as defined by FCC. In particular, Cripps discloses disclose a radio comprises a 2.4 gigahertz,

wherein the radio operates in accordance with a frequency hopping spread spectrum protocol (abstract; see col. 2, line 13-20; see col. 36, line 32-45; 2.4 GHz).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide 2.4 GHz frequency hopping protocol, as taught by Cripps, in the combined system of Weaver and Richter, so that it would provide a transmitter/receiver in accordance with FCC rules for 2.4 GHz ISM which is low cost and low power; see Cripps col. 2, line 15-32.

24. Claims 26,34, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver in view of Richter, as applied to claims 22,32,52 above, and further in view of Honing (US005481533A).

Regarding Claims 26, 34, and 41, neither Weaver nor Richter explicitly discloses a direct sequence spread spectrum technique. However, using direct sequence spread spectrum technique is well known in the art. In particular, Honing discloses wherein the wireless packet network communicates using a direct sequence spread spectrum technique (abstract; see col. 2, line 34-40).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide direct sequence spread spectrum technique, as taught by Honing, in the combined system of Weaver and Richter, so that it would suppress interference; see Honing col. 2, line 38, line 38-40.

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN N. MOORE whose telephone number is (571)272-3085. The examiner can normally be reached on 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ian N. Moore
Primary Examiner
Art Unit 2463

/Ian N. Moore/
Primary Examiner, Art Unit 2463